IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.70 OF 2001

IN

COMPANY PETITION NO.423 OF 2000

United Liner Agencies of India Pvt.Ltd. ...Appellant.

vs.

N.S.Guzder & Co. ...Respondent.

Mr.V.R.Dhond with Ms.Preeti Silse i/b. M/s.A.Mehta Laljee & Co., for Appellant.

Mr.Zal Andhyarujina with M.Salion i/b. Gagrats, for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 27th August,2007.

P.C.:-

By consent of parties, the appeal is disposed of in the following terms:-

1. In case the respondent within a period of six weeks from today deposits Rs.11,00,000/- (Rupees Eleven lakhs only) in this Court with due intimation to the appellant, this appeal and the Company petition no.423 of 2000 shall stand disposed of.

2. The amount so deposited by the respondent shall be deposited by the Prothonotary and Senior Master of this Court in fixed deposit in a nationalised bank and shall be held to the credit of Suit no.386 of 2001.

3. Both the parties to this appeal who are admittedly the parties to the civil suit shall be at liberty to take out appropriate proceedings in the Civil suit for appropriate orders in relation to the amount. The disposal of that amount shall

be governed by the order that may be passed by the Court in Suit no.386 of 2001.

4. In case the respondent does not deposit the amount within the aforesaid period, this appeal shall be treated as allowed. In that event the order dated 22.11.2000 passed by the learned Single Judge in Company petition no.423 of 2000 shall stand set aside and that Company petition shall stand admitted. In that event, the appellant-petitioner shall be at liberty to move the learned Company Judge for appropriate further orders. The appeal is disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)